

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Case No. C-1-02-479

JEFFERSON-PILOT LIFE INSURANCE CO., )  
Plaintiff )  
v. )  
CHRISTOPHER L. KEARNEY, )  
Defendant )

DEPOSITION OF: TODD DITMAR, taken before  
Sharon R. Roy, Notary Public Stenographer, pursuant  
to Rule 30 of the Massachusetts Rules of Civil  
Procedure, at the law offices of ACCURATE COURT  
REPORTING, 1500 Main Street, Springfield,  
Massachusetts on May 13, 2004 commencing at 9:29 a.m.

A P P E A R A N C E S:

(See Page 2)

Sharon R. Roy  
Certified Shorthand Reporter  
Registered Professional Reporter

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1 right-hand column three or four lines down?

11:00:32 A. Yes.

11:00:41 Q. Have you ever seen anywhere a list of  
4 actions performed on the Kearney claim?

11:00:46 A. No, I have not.

11:00:50 Q. Was there ever a written strategy prepared  
7 on the Kearney claim?

11:00:55 A. I do not believe so.

11:00:56 Q. Is it the policy of DMS to develop  
10 strategies for each claim?

11:01:01 A. No.

11:01:12 Q. Do you require the persons that work  
13 underneath you to have a certain planned approach to  
14 their administration of a claim?

11:01:29 A. No.

11:01:30 MR. ROBERTS: Let's go off the  
17 record for a second.

11:01:31 THE VIDEOGRAPHER: Going off the  
19 record at 11 a.m.

11:12:57 (A recess was taken)

11:12:57 (Exhibit 30, marked)

11:12:58 THE VIDEOGRAPHER: Back on record at  
23 11:12 a.m.

11:13:09 Q. (By Mr. Roberts) Mr. Ditmar, I've marked

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1 as Exhibit 30 several documents all combined into one  
2 exhibit which we'll call 30. The first two pages of  
3 Exhibit 30 are 2001 Yearly Performance Plan and  
4 Review of Lance Faniel, which is Bates labeled DMS  
5 018 and DMS 019.

11:13:35 MR. ELLIS: Do you have copies of  
7 these for me, Counsel?

11:13:38 Q. (By Mr. Roberts) The next three pages are  
9 2002 Yearly Performance Plan and Review of John  
10 Midghall marked DMS 047, DMS 048, and DMS 049.

11:13:49 The next document is 2001 Yearly  
12 Performance Plan and Review of John Midghall marked  
13 DMS 050 and DMS 051.

11:14:02 The next is 2001 Yearly Performance Plan  
15 and Review of Brian Wentworth marked DMS 025 and 026.

11:14:13 The next is Yearly Performance Plan and  
17 Review, Brian Wentworth, signed by John Midghall,  
18 labeled DMS 027 and DMS 028.

11:14:29 The next is Yearly Performance Plan and  
20 Review of Brian Wentworth marked DMS 029, 030, and  
21 031.

11:14:40 The next is John Graff Yearly Performance  
23 Plan and Review marked DMS 060 and DMS 061.

11:14:53 The next is marked DMS 077, 78, 79, 80 and

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